

Danner, Ward

From: Jennifer DENICOLA <jd18@me.com>
Sent: Tuesday, July 22, 2014 1:06 PM
To: Armann, Steve
Cc: Scott, Jeff; Huetteman, Tom; Johnson, Ivry; Wilson, Patrick; Paula Dinerstein; Penny Newman; Blumenfeld, Jared; Cami Winikoff; Hope Edelman; NiColle Holland; Santos, Carmen
Subject: Re: Another approval authorizing inplace management of PCB source material

Steve:

When will you and your team enforce the law and require that SMMUSD properly test the caulk in all pre 1979 classrooms as you so elegantly stated in your Jan 27th, 2014 letter to Lyon. Especially since prior testing has confirmed PCBs over 50 ppm and this is what the federal law requires. Congress has set the law and you as an agency are required to follow it.

Carmen Santos stated in one of our conference calls, once PCBs have been found over 50 ppm, it is the EPA's policy under TSCA to test all sources including secondary sources to ensure contamination has not spread. None of this has been done.

Congress has clearly stated that PCBs cannot remain in place. By not forcing SMMUSD to test for PCB's in buildings already known to contain PCB's over 50ppm, the EPA is condoning a practice circumvent federal law.

We have asked for many months now for the EPA to force the district to comply with federal law. The EPA should be sanctioning the district by now for failure to remove PCB's. At this point, Malibu High is storing illegal PCBs on their campus. The EPA cannot treat our school any differently than they treat any other corporation or business that has PCBs found. In fact the EPA should be more protective because there are children, five-year-olds on our campus that are being exposed to PCBs.

What is the EPA region 9 going to do today to test the caulk and remove PCB's over 50ppm? School starts in three weeks... Our children are not going back to that campus.

Jennifer deNicola
Malibu Unites
www.MalibuUnites.com
Sign Our Petition to Remove Toxicants from Schools
<http://goo.gl/sKR30F>

On Jul 22, 2014, at 11:20 AM, "Armann, Steve" <Armann.Steve@epa.gov> wrote:

Jennifer, I'm following up on the enclosed emails where we discuss your request for additional PCB approvals for schools. After sending my last email on this issue to you looked into the availability of other EPA agreements, which are primarily with EPA Region 1. I thought there would only be a few and that they might already be compiled in an easily accessible place. It turns out that Region 1 estimates that they have over 50 PCB approvals at schools and it will take some effort to pull them all together. For this reason, you will need to follow the FOIA procedures that are in the copied email below. I apologize for the inconvenience and any misunderstanding. I have already shared with you copies of approvals we have in our records.

I will be on vacation starting tomorrow. In my absence please contact Patrick Wilson at 415-972-3354.

Steven S. Armann, Manager
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From: Armann, Steve
Sent: Thursday, July 10, 2014 3:36 PM
To: 'Jennifer DENICOLA'
Cc: Scott, Jeff; Huetteman, Tom; Johnson, Ivry
Subject: RE: Another approval authorizing inplace management of PCB source material

Jennifer, since our EPA Regional office does not have any school agreements, I requested assistance from our Freedom of Information Act officer on how to proceed with your request. She recommended that you submit a FOIA request using the link below.

<https://foiaonline.regulations.gov/foia/action/public/home>

Please call me if you have any questions. I will be off tomorrow and back in the office on Monday morning. Thanks.

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From: Jennifer DENICOLA [<mailto:jd18@me.com>]
Sent: Thursday, July 10, 2014 11:36 AM
To: Armann, Steve
Cc: Scott, Jeff; Huetteman, Tom; Blumenfeld, Jared; Hope Edelman; Ken Miller; Paula Dinerstein; PEER Jeff Ruch; Cami Winikoff
Subject: Re: Another approval authorizing inplace management of PCB source material

Steve,

Thank you for this one document. What I would like is every agreement the EPA has made with all schools that are either elementary, middle school, or high school. I want to see the range of agreements that are made. Even though these arrangements are not legal and binding in the court of law and can not be used as legal precedence for any other schools. They are individual agreements made between two parties about their site specific circumstances. As such, these agreements should not be used as precedent for a proposed solution to Malibu's specific PCB issue.

I could show you plenty of schools that tested all the sources found out where all the building material PCB issues were and then developed a plan to either remove immediately or managing place as a temporary (1-2 year) means before full Removal happened. But all schools must have a removal plan as per TSCA because it is illegal to keep PCBs in place over 50 ppm. And this includes University of Massachusetts that you are trying to prove to me is the reason a 15 year plan of managing in place, which is in the inappropriate thing for the EPA to be justifying. The EPA is tasked with enforcing TSCA under the rules and regulations set forth by Congress. Region one's approval of University of Massachusetts his plan is actually very detailed and very strict. If you actually read the document, they are removing windows every single year. They have started the remediation process but removing 900 windows from a school is not a one or two year plan and they have predicted 15 years to have them all removed. They have put into place many precautionary measures to encapsulate or isolate PCB issues while they're waiting to remove those windows. This plan also states that this solution is appropriate because only adults use this building and no children. There are hefty fines for not following through with the plan as stated and attached to the agreement. So the idea that the University of Massachusetts is managing PCBs in place for 15 years and doing nothing is not accurate and Environ has misrepresented Using University of Massachusetts as a viable plan to follow. University of Massachusetts is a graduate school that has adults that use these facilities for up to two years in addition to the teachers. No one is mandated to attend. This does not compare to an elementary school, middle school and high school where children are mandated to be in schools and exposure to children is far worse than adults. Their issue is mostly window glazing. They tested all their sources and they know exactly what they are dealing with and therefore made a plan to remediate the entire school and they know it will take quite a long time because it start such an extensive project. Malibu has five rooms to remediate immediately. There is no comparison.

The EPA cannot accept this Malibu High plan that was submitted July 3rd. Not only is it irresponsible to the students and teachers at Malibu High that have been exposed to PCBs that the district has known about for four years and did not inform the parents or teachers that this exposure was occurring, nor does it follow scientific process of identification and testing to identify toxic materials, but It doesn't even address the minimum requirements that the EPA sent in the January 27, nic 20th, 2013 or the June 4 letter as well as the email that Jeff Scott sent me in June stating that the minimum requirement expected in this plan is a cleanup for the current TSCA violations. And Managing place is not remediation.

So please send me ALL plans for public schools, not just the ones that substantiate environs inappropriate and irresponsible plan to manage PCBs in place without a plan to remove them.

Jennifer deNicola

Malibu Unites

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Sign Our Petition to Remove Toxicants from Schools

<http://goo.gl/sKR30F>

On Jul 10, 2014, at 10:36 AM, "Armann, Steve" <Armann.Steve@epa.gov> wrote:

Jennifer, Jeff mentioned that you were interested in other primary education facilities where EPA has authorized PCB sources to remain in place. Attached is the approval for Southington that allows them to manage a vapor barrier material containing greater than 50 ppm in place ... provided they have a monitoring plan.

This is the same school that recently started renovation and you sent us a newspaper article on.

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<Southington Schools Approval.pdf>